

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

HEADWATER RESEARCH LLC,

Plaintiff,

v.

AT&T SERVICES, INC., AT&T MOBILITY,
LLC, and AT&T ENTERPRISES, LLC,

Defendants.

Case No. 2:23-cv-00397-JRG-RSP

JURY TRIAL DEMANDED

**HEADWATER’S UNOPPOSED MOTION TO ADOPT CLAIM CONSTRUCTION
OF “INTERCEPTING” IN CLAIMS 79 AND 83 OF THE ’541 PATENT**

Plaintiff Headwater files this unopposed motion regarding claim construction of U.S. Patent No. 8,589,541 (“’541 patent”). On July 25, 2025, the Court issued a Report and Recommendation (“R&R,” Dkt. 254) recommending denial of Defendants AT&T’s motion for summary judgment of non-infringement of the ’541 patent. In addressing asserted claims 79 and 83 of the ’541 patent, the R&R found as follows:

“intercepting” means “receiving a message directed to or meant for another,” but that this construction does not mean that “intercepting” can only occur if the message does not reach the intended recipient

Dkt. 254 at 1.

Headwater respectfully requests that the Court formally adopt this finding as the claim construction of the term “intercepting” in claims 79 and 83 of the ’541 patent.

The parties conferred and agreed that the Court’s statement (“intercepting” means “receiving a message directed to or meant for another,” but that this construction does not mean that “intercepting” can only occur if the message does not reach the intended recipient) is an express construction of the “intercepting” term. Accordingly, AT&T does not oppose this motion or the requested relief. A proposed order is attached.

Dated: August 2, 2025

Respectfully submitted,

/s/ Marc Fenster
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CERTIFICATE OF SERVICE

I certify that on August 2, 2025, all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF System per Local Rule CV-5(a)(3).

/s/ Marc Fenster
Marc Fenster

CERTIFICATE OF CONFERENCE

I certify that that counsel complied with the requirements of Eastern District of Texas Local Rule CV-7(h). Counsel for Headwater and counsel for AT&T exchanged correspondence regarding this motion on July 28-29, 2025, and conferred by video conference on July 29, 2025. Counsel for AT&T indicated that AT&T does not oppose this motion or the requested relief.

/s/ Marc Fenster
Marc Fenster